

REMARKS/ARGUMENTS

Applicants thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter that Applicants regard as the invention. Applicants respectfully submit that the present application is in a condition for allowance in view of the following remarks.

Claim Rejections – 35 U.S.C. § 101

Claims 4, 5, 8-16, 20, 21 and 24-28 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In response, the Applicants have amended these claims to include the structural limitations required of apparatus-type claims.

For example, amended claim 4 now includes a network interface, a judgment part including a signal transmitter, and a computer-readable memory for storing a relationship to be utilized to assign an appropriate network address to a caller and a callee participating in a tunnel communication. Likewise, the claims directed to the server and systems have been similarly amended to include structural features such as a computer memory and a relative arrangement of components, for example.

For at least these reasons, Applicants respectfully submit that the claims, as amended, recite more than just software components, and thus, are all directed to statutory subject matter under 35 U.S.C. §101.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 4, 5, 8-10, 16, 20, 21, 24-28, 32, 36 and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,614,809 to Verma *et al.* (hereinafter “Verma”) in view of what is alleged to be well known in the networking art. However, Applicants respectfully submit that the combination of Verma and the knowledge of one of ordinary skill in the networking art fails to disclosed every feature of the amended claims. Further, Applicants respectfully disagree that distinguishing between the caller and callee as

suggested in the Office action would be obvious to a person of ordinary skill in view of the teachings of Verma.

With regard to claim 4, Applicants respectfully submit that the combination of Verma and what is alleged to be well known fails to teach, disclose, or otherwise render predictable an information-processing device that includes “a judgment part for determining whether the information-processing device is a caller or a callee.” The absence of this feature from Verma is correctly noted in the Office action. However, it is alleged that since a remote client originating the tunnel request is the caller, and the responding entity is the callee it would be obvious in view of Verma to distinguish between the caller and the callee. Applicants respectfully disagree.

The simple fact that a caller and a callee exist in Verma provides no reason to distinguish between the two. There would be no advantage in distinguishing between the caller and callee in Verma as alleged. The operation of Verma is not affected by the status of the participants of the tunnel communication as either a caller or a callee as is the present invention. Thus, one of ordinary skill in the art would not find it obvious to make the distinction between caller and callee in view of Verma since there is no use in Verma for the information gathered by making such a distinction. The only suggestion to make a distinction between the caller and callee for tunnel communications is that gathered from impermissible hindsight in view of Applicants’ own disclosure.

Further with respect to claim 4, the combination of Verma and what is alleged to be well known in the art also fails to teach, suggest, or otherwise render predictable “an address determination part including a computer-readable memory storing a relationship between a caller address to be included in the encapsulated communication target data when the information-processing device is the caller and a callee address to be included in the encapsulated communication target data when the information-processing device is the callee.” Again, Verma fails to suggest or otherwise render predictable making a distinction between the caller and the callee. It follows that the combination of Verma and what is alleged to be well known fails to teach a computer-readable memory storing a relationship between between the caller and callee and their respective addresses. Further yet, Verma and what is alleged to be well known fail to suggest or render predictable that it is at least one of these addresses, having been determined

based on the distinction between caller and callee, that are included in the encapsulated communication target data as claimed.

Claims 20 and 32 are also patentable over the combination of Verma and what is alleged to be well known for reasons analogous to those disclosed above with respect to claim 4. More specifically with regard to claim 20, the combination of Verma and what is alleged to be well known fails to teach, suggest or otherwise render predictable “a judgment part for determining ... which of the first information-processing device and the second information-processing device is a caller and which is a callee.” As explained above, the operation of the system in Verma does not make use of a distinction between caller and callee, and thus, one of ordinary skill in the art would not find it obvious to make such a distinction as alleged. Likewise, Verma and what is alleged to be well known in the art also fails to disclose a computer-readable memory storing a relationship between caller and callee addresses and the caller and callee, respectively, based at least in part on such a determination.

Further with regard to claim 20, the combination of Verma and what is alleged to be well known in the art also fails to teach, suggest or otherwise render predictable “an address output part operatively coupled to receive the caller address and callee address from the address determination part” and output “the caller address and the callee address determined by the address determination part.” The combination of Verma and what is alleged to be well known in the art does not disclose outputting from the server the caller address and the callee address.

Similarly, with regard to claim 32, the combination of Verma and what is alleged to be well known fails to teach, suggest or otherwise render predictable “defining a relationship between at least one of a caller address to be used for a caller in the tunnel communication and a callee address to be used for a callee in the tunnel communication.” As explained above, the operation of the system in Verma does not make use of a distinction between caller and callee, and thus, one of ordinary skill in the art would not find it obvious to define a relationship based on such a distinction as alleged. Likewise, Verma and what is alleged to be well known in the art also fails to disclose “determining which of the first information-processing device and the second information-processing device performing tunnel communication is the caller and which is the callee” for the same reason. Further, Verma and what is alleged to be well known in the art also fails to disclose selecting at least one of the caller address and the callee address selected

based at least in part on the relationship and the determination steps to be included in the encapsulated communication target data.

With regard to claims 16 and 28, the combination of Verma and what is alleged to be well known also fails to teach every feature of those claims for reasons analogous to those presented above with respect to claims 4 and 20, respectively.

For at least the above reasons, Verma in combination with what is alleged to be well known in the art fails to teach every limitation found in amended claims 4, 20 and 32 as required to maintain a rejection of those claims under 35 U.S.C. §103(a). Further, since claims 5, 8-16, 21, 24-28, 36 and 37 each depend from one of those claims, they are also not rendered unpatentable by the combination of Verma in view of what is alleged to be well known in the art for the purpose of 35 U.S.C. §103(a).

New claims 54-57 have been added by way of this amendment. With regard to claim 54, Verma in view of what is alleged to be well known fails to teach, suggest or otherwise render predictable that the relationship of claim 4 “includes a function that determines at least one of the caller address and the callee address as a function of a variable established by the signal from the judgment part.”

Regarding claims 55-56, Verma in view of what is alleged to be well known fails to teach, suggest or otherwise render predictable that the relationship comprises a lookup table with at least one address, or a plurality of addresses corresponding to a caller and/or a callee.

And with regard to claim 57, Verma in view of what is alleged to be well known again fails to teach, suggest or otherwise render predictable that “the relationship comprises a function including a variable that is given a value in response to said determining which of the first information-processing device and the second information-processing device performing tunnel communication is the caller and which is the callee.”

The remaining claims in the present application are allowable for the limitations therein and for the limitations of the claims from which they depend.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the

application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: MTIS-40442.

Respectfully submitted,
PEARNE & GORDON, LLP

By: /donald j. firca, jr./
Donald J. Firca, Jr. – Reg. No. 48,140

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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